

REMARKS

The Official Action dated July 25, 2005 has been received and its contents carefully noted. By the above actions, claims 1-31 are pending in the application. Claims 1, 16, and 31 have been amended in order to better define that which Applicants regard as the invention. No new matter has been added. Support for the Amendments are provided in the original claims, Figures 1-7, and related text of the specification.

In view of these actions and the following remarks, reconsideration of this application is now respectfully requested.

At the outset, Applicants wish to thank the Examiner for the withdrawal of prior rejections of claims 1- 31 based upon U.S. Patent 6,814,709 to Schwartz et al. in light of the declaration under 37 CFR 1.132 filed by Applicants on May 16, 2005.

Claims 1-4, 6, 8-10, 12, 16-19, 21, 23-25, 27, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cassini (U.S. Patent 3,273,174) in view of Tomlinson (U.S. Patent 5,895,365). Claims 5, 15, 20, and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cassini in view of Herpel et al. (U.S. Patent 3,542,427). In addition, claims 1, 7, 11-13, 16, 22, 26-28, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cassini in view of Sleichter, III et al. (U.S. Patent 6,682,494). Furthermore, claims 14 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cassini in view of Tomlinson and further in view of Swezey et al. (U.S. Patent 5,423,098).

Applicants respectfully traverse these rejections. Cassini, Tomlinson, Herpel, Sleichter, and Swezey, alone or in combination, do not disclose or suggest a massaging bed rest with:

- As recited in claim 1: “two armrests *rotatably coupled* to the backrest wherein the two armrests can rotate, while remaining coupled to the backrest, from a sitting position to a folded position along the two side edges of the backrest” (emphasis added);
- As recited in claim 16: “a right armrest *rotatably coupled* to the right side of the backrest . . . a left armrest *rotatably coupled* to the left side of the backrest wherein the right armrest and the left armrest can rotate, while remaining coupled to the backrest, into a folded position wherein the right armrest and left armrest

are parallel to the left side and right side of the backrest” (emphasis added); or

- As recited in claim 31: “two means for arm resting *rotatably coupled* to the means for back support wherein the two means for arm resting can rotate, while remaining coupled to the backrest, from a sitting position to a folded position along the two side edges of the means for back support” (emphasis added).

In particular, the Examiner incorrectly relies on Cassini to show that the prior art discloses armrests rotatably coupled to the backrest. Referring to Fig. 2, col. 2, lines 10-15 of Cassini state, “The wedge shaped arms [7 and 8] are each inserted into the loops 5 and 6. The loops have an open area which is sufficient to receive the narrow end of the wedge shaped arms and hold them in a frictional engagement with the ends 14 and 16 contiguous to the back surface 4 of the back pillow.” Accordingly, the wedged shaped arms 7 and 8 in Cassini are fixed in a frictional engagement with the loops 5 and 6. As Applicants have previously argued, these loops 5 and 6 in Cassini hold and prevent any rotation of the arms 7 and 8 while attached to the backrest.

According to the Examiner in the present Office Action at page 9, section 10:

In response to Applicant’s statement that Cassini ‘174 fails to disclose or suggest armrests rotatably coupled to the backrest, the Examiner contends the position of the armrests can be rotated from a sitting position to a folded position to along the two side edges of the backrest by unsnapping the loops and then re-snapping them in a different position to hold the armrests along the side edges of the backrest.

The Examiner’s argument acknowledges that Cassini does not disclose a coupling that allows the armrests to rotate *while* coupled to the backrest. The Examiner argues that the use of snaps disclosed by Cassini (column 2, lines 25-45) allows the loops holding the armrests in a sitting position to be reattached in a different position to hold the armrests along the side edges of the backrest. The Examiner’s assertion requires the loops and armrests to be *uncoupled* from the backrest before they can be repositioned at a second angle. The armrests cannot actually rotate while coupled to the backrest, especially since Cassini’s use of four snaps to attach each loop to the backrest precludes any pivoting by the loops and armrests. Moreover, Cassini does not disclose or suggest that the loops can be re-snapped in a different position to put the side arms along the sides of the backrest.

The specification of the present application details how the present invention employs armrests that can rotate while attached to the backrest. For instance, the present application (Figs. 1 and 2, page 4, lines 17-22 and page 5, lines 1-6) describes how the angle of the

armrests for an exemplary embodiment can be adjusted:

The axle 108 allows the right armrest 104 and left armrest 106 to rotate about the backrest 102. . . . The lower backside of the user prevents the backrest 102 from rotating out of the sitting position. The user can adjust the slant of the backrest 102 by moving the lower backside of the user closer or further away from the lower portion 110 of the backrest 102. By moving the lower backside of the user closer to the backrest 102, the angle between the armrests 104 and 106 and the backrest 102 is decreased. By moving the lower backside of the user further away from the lower portion 110 of the backrest 102, the backrest 102 is allowed to rotate, increasing the angle between the armrests 104 and 106 and the backrest 102.

The use of axle 108 allows the armrests to rotate while coupled to the sides of the backrest. Without the user's backside in place, the backrest can rotate out of the sitting position, indicating that nothing is preventing the armrests from rotating while attached to the backrest. In addition, the user is able to adjust the angle between the armrests and the backrest *merely* by moving the user's backside closer or farther away from the backrest. To allow the user to adjust the angle by moving the user's backside while seated, the armrests must be able to rotate while attached to the backrest. Detaching and reattaching the armrests to achieve a range of angles is unnecessary and in fact would be extremely difficult for a user to accomplish while seated at the bed rest.

Although the original claims 1, 16, and 31 clearly recite the ability to rotate while coupled to the backrest, Applicants offer the amendments above to further emphasize this feature of the present invention.

Tomlinson, Herpel, Sleichter, and Swezey also do not teach or suggest a massaging bed cushion with a pair of armrests rotatably coupled to the backrest where the armrests can rotate from a sitting position to a folded position along the two side edges of the backrest. In particular, Tomlinson (Fig. 1 and column 4, lines 34-36) discloses a downward steel rod 38 which allows the armrests 24 and 28 to pivot on horizontal plane and fails to disclose or suggest armrests that rotate on vertical plane to a position *along* the two side edges of the backrest. In addition, Herpel fails to disclose or suggest armrests on a massaging bed cushion where the sitting position includes angles greater than 90 degrees to allow the backrest to support the user stably. As Herpel (column 2, lines 26-39) states, the armrest 28 of a vehicle seat moves from a substantially horizontal position and an upright position so that the "armrest 28 does not interfere with passenger access and egress from the vehicle passenger compartment." As page 4, lines 11-20 of the present specification explain, the armrests can

rotate to 180 degrees from the backrest, and more specifically, when the bed rest is used in the sitting position, the armrests are between 90 and 120 degrees from the armrest so that the user can put enough weight on the armrests to create the frictional force that prevents the backrest from sliding.

Therefore, in consideration of the foregoing remarks, withdrawal of the rejections of independent claims 1, 16, and 31 is in order and is respectfully requested. Applicants respectfully submit that remaining dependent claims 2-15 and 17-30 are likewise allowable since they depend on what is now believed to be allowable base claims 1 and 16.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone in order that further prosecution of this application can thereby be expedited.

Respectfully submitted,



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